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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,768	11/28/2000	Hiroshi Kondo	1503.64981	6836

24978 7590 08/25/2003

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EXAMINER

PUENTE, EMERSON C

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 08/25/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-12, 31, and 34, drawn to fault recovery, is classified under class 714, subclass 2.

II. Claims 13-30, 32-33, and 33-36, drawn to error detection or notification, is classified under class 714, subclass 48.

2. Inventions Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention, Group 1 has separate utility such as selecting an operation mode, system down mode or dynamic degeneracy mode. Group 2 has separate utility such as notifying a control unit when a failure occurs (MPEP § 806.05(d)).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Patrick Burns (Reg No. 29,637) on August 20, 2003 to request an oral election to the above restriction requirement, but did not result


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in an election being made. Further, the applicant requested the examiner to send in a written restriction requirement for election determination.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Emerson Puente
8/20/03


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